

risen, and risen at an alarming rate. I believe this trend has to stop, and I am dedicated to the principle that we need less government and more freedom, that government is too big, too powerful, too expensive, and spends too much of the money of working families, and as a result they have the opportunity to invest too little of what they earn.

I want to see this changed, and I think the real debate that we face here in Washington, a debate that is very seldom defined here on the floor of the Senate, is a choice between unlimited government and unlimited opportunity. And we have to choose. I want to make it clear on the first day of this year that Texans have worked for themselves that I choose opportunity because I know that if the average working family in America could represent itself in the U.S. Senate for one day and could cast a vote as to whether we need more government, or whether we need more freedom in America, they would cast their vote in favor of less government and more freedom.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was intrigued by listening to the Senator from Texas, and I wanted to make a couple of observations about it before I discussed what I came to discuss.

This issue that the American people have paid taxes to a certain day and somehow after that it does not affect them escapes me. I know the Senator from Texas taught economics for some while. He would understand I think that the four largest areas of public spending are education, State and local and Federal, mostly State and local, defense, Social Security and Medicare.

When the American people pay taxes to build schools to send their children to schools, I wonder if the Senator is suggesting that somehow they have not made an investment in themselves in January, February, and March to build those schools, to pay those teachers, and give their kids an education. I do not think he would believe that.

If he is believing somehow that the Social Security checks will go back to help senior citizens, that Medicare Program that helps pay medical bills for senior citizens in January, February, and March does not represent an investment in themselves when people pay taxes and get back both an education system and an opportunity to defend our country, including jobs in Texas in defense plants, and Social Security checks for senior citizens, and Medicare payments for health care for senior citizens, I think not. I think not.

I agree with the Senator from Texas. I would like to see lower taxes for everybody. We are trying to reduce the size of Government. In fact, there are 200,000 fewer Federal workers now than at the beginning of 1992. We are reducing the size of Government. He will not find an argument from me about that.

But when someone suggests somehow that all of the money paid goes to Government and has no relationship to the individuals, they are suggesting that the investment parents make in the school system that benefits their children—because I think parents have pride in building a school system that works and being able to send their kids to good schools—I think the Senator misunderstands that there are a whole lot of the American people who think it is a good investment for them to send their kids to good schools and do not mind paying taxes for schools that work.

I did not come to the floor to talk about that, but I am always intrigued by the discussions about tax issues.

RESCINDING THE GAS TAX

Mr. DORGAN. Mr. President, one of the things I wanted to talk about this morning was the gas tax.

I voted for the provision in 1993 that was the largest deficit reduction act in history. I am still pleased I voted for that. We did not get one vote on the other side of the aisle even by accident. All of us on this side of the aisle had to vote for that and pass it by one vote. We did not get one vote even by accident. But I am still glad I voted for it.

Did I like everything in it? No, I did not. But the Federal deficit has decreased by nearly 50 percent since that was enacted.

We have had some folks come to the floor recently saying let us repeal the 4.3-cent gas tax. I guess the motivation for coming to the floor to do that is to say that gas prices have spiked up in this country from 20 to 25 cents a gallon. The American people are anxious and concerned about that, so some people come to the floor and say let us repeal the 4.3-cent gas tax. I ask why the 4.3 cents? Why not the 4.3 cents and the 10 cents that Senator DOLE has proposed previously and voted for. Why not decrease the whole thing if you want to do it? But if you decrease it a penny, if you decrease the gas tax at all, I am going to be here with an amendment insisting that that reduction go into the pockets of consumers who are now spending more money at the gas pumps, not into the pockets of the oil industry.

I took a look at some figures yesterday when we were talking about this subject. Let me tell my friends what has happened in the oil industry. God bless them; I think profits are fine, and I am happy they are doing well. Chevron posted gains of 34 percent last year, an increase in profits; Amoco, a 39-percent increase in profits; Texaco, profits up 30 percent; Mobil, profits up 16 percent; Exxon did just fine as well, up 14 percent; Shell, up 42 percent in the first quarter of this year.

Those are oil company profits. Now, if somebody comes to the floor of the Senate and says, let us cut gas taxes, if they do not support a provision that requires a cut in the gas tax to be

ratcheted down in the price at the pumps and therefore go into the pockets of the consumers, guess who is going to pocket the reduction of the 4.3-cent gas tax? The oil industry.

Frankly, I am pleased that the Federal deficit has decreased, and I am willing to cast votes to decrease it all the way. We ought to balance the budget. That is why I say I am still proud I cast that vote in 1993, and that included some tough issues, including a gas tax. But the plain fact is we are probably going to deal with a gas tax repeal here of some type where the majority has the right to bring that to the floor and not with respect to the merits of the issue.

I will also, in this Chamber, when we deal with the gas tax, propose an amendment that says, if we cut the gas tax, let us make sure it goes in the right pocket. The oil industry has some deep pockets, and they are doing just fine, thank you. The consumer is paying 20 or 25 cents a gallon more, and the question is, why? Because of the gas tax? No. The industry decided because of supply and demand, they say, that the price had to spike up, so the price spiked up and American drivers take it in the pocketbook.

If someone wants to relieve the American drivers of a 20- or 25-cent price spike, the first thing we ought to do is launch an investigation into what caused that price to spike up 20 or 25 cents a gallon. Who decided to do that? There was no debate about that. We had a debate about the gas tax. There was no debate by the public on this issue of a 20-, 25-cent increase in the gas prices. That is done in a room someplace, I assume. They say, well, the supply and demand relationship has changed. Therefore, let us charge the drivers 20 or 25 cents more a gallon.

I say to the folks who come to the floor of the Senate that, if we want to do something for American drivers, for those who are paying the bills, let us investigate what has caused this spike in gas prices, No. 1. No. 2, if you do offer proposals to reduce the gas tax, I am going to offer an amendment to insist that that reduction go into the pockets of the taxpayers in this country, not into the pockets of the oil industry.

How do we do that? It is not very easy to do that because you have to make sure that that decrease finds its way to the price at the pump so that it is lowered for the American consumer. But if folks come here and say, let us ratchet down the gas tax and do not do that, you know exactly where that money is going. It is not going into the pockets of somebody who is going to fill their tank tomorrow. It is going to go into the deep pockets of the large multinational corporations that decide they are going to profit because of what the Congress has done.

So those are issues, I think, we will work our way through, Mr. President, in the coming week or two. When we do, I think Members ought to understand that some of us will absolutely

insist that if you reduce the gas tax, that money must go into the pockets of the American taxpayer, not the pockets of the big oil companies in this country.

Mr. REID. Will my friend from North Dakota yield for a question?

Mr. DORGAN. I will be happy to yield.

Mr. REID. I say to my friend from North Dakota, I hear talk about a gas tax being repealed. What gas tax are they talking about repealing?

Mr. DORGAN. There have been proposals on the floor of the Senate and in the House to repeal a 4.3-cent-per-gallon gas tax that was imposed in 1993.

Mr. REID. My question I guess is, since there have been a number of gas taxes that have been passed in recent years—is that not true?

Mr. DORGAN. That is correct.

Mr. REID. The 4.3 cents is only a small fraction of the taxes on gas that have been increased over the past decade or so in this body. Is that not true?

Mr. DORGAN. The Senator is correct.

Mr. REID. Does the Senator know of any reason why the 4.3 cents was chosen as compared to any other tax increases that occurred when the Republicans controlled the White House?

Mr. DORGAN. I assume it is politics. I do not understand why they chose the 4.3-cent gas tax. If gas prices spike up 20 or 25 cents a gallon, why not ask the question: Where has the price increase come from? And roll back the price increase if they really want to help the American driver.

Mr. REID. I also ask my friend from North Dakota this question. I have been watching very closely since the prices, especially in the western part of the United States, have gone up. They have gone up a lot in the State of Nevada, not as much as in the State of California, but they have gone up in the State of Nevada. I have been watching very closely, and I have not seen the oil companies come forward with an explanation of why the costs of gasoline and fuel have gone up. Has the Senator seen an explanation?

Mr. DORGAN. The explanation that has been given is supply and demand relationships and difficulties with refineries in California and some other imbalances that have occurred. As the Senator from Nevada knows, President Clinton has, I think, properly asked for an investigation. Let us find out exactly what has caused this price spike. Is the spike in prices temporary or will it last some time? Is it justifiable or is it not?

I think the President has moved in the right direction, saying let us get to the bottom of this and find out who has done what and take action if action is appropriate.

Mr. REID. I say to my friend, I have been advised that in the State of New Mexico in recent years the gasoline tax was decreased and the cost of gasoline in that State went up. Has the Senator heard that? Has the Senator heard that story?

Mr. DORGAN. I have not heard that, but that is my fear. If someone were to bring a bill to the floor of the Senate that says, let us cut the gas tax 4.3 cents per gallon and provide no assurance that that is going to go into the pockets of the American drivers and American taxpayers, guess what. We might very likely have a circumstance where that 4.3 cents per gallon would go into the pockets of the oil industry. I do not think that advantages this country. All that does is increase the debt, enrich the oil companies, and leave the drivers and taxpayers in exactly the same position they are in now.

Mr. REID. I say to my friend, the Senator from North Dakota, in the form of a statement he can respond to or not, it is my understanding in recent years in the State of New Mexico the gas tax was decreased. And surprisingly, in the State of New Mexico, immediately the prices went up and, in effect, the oil companies received the benefit of the tax being decreased. The consumer did not. That is a fear that I have, that here in America today, if we repeal this gas tax, rather than the American consumer getting the benefit of it the oil companies, which have had record profits the last few years—record profits—the oil companies would be able to pay their executives even more than they have as a result of making 4.3 cents more per gallon. Does the Senator from North Dakota fear the same?

Mr. DORGAN. That is my concern and that is why there will be an amendment, if there is a gas tax proposal on the floor to reduce the tax, to make sure it goes to the right pockets.

Let me say to the Senator from Nevada, I do not like the gas taxes. I never have. And I worry about high gas prices. Why? Because I come from a State that is a very large State with not too many people; 640,000 people living in 70,000 square miles in North Dakota. We pay about twice as much gas tax per person as they do in New York City or New York State. Why? Because we drive more than they do. To do almost anything we drive much longer distances than they do in New York.

A friend of mine once told me he had a cousin in New York who was going to go to Bayonne, NJ, to visit some relatives. They got an emergency kit in the trunk and some blankets, to go 60 miles, because that is a big trip in the east coast, I think.

In North Dakota, 60 miles is absolutely nothing. We drive 60 miles at the drop of a hat, often in a snowstorm. In good weather or bad weather we drive great distances. That is why I never particularly liked the gas tax, because the gas tax imposes a higher premium for taxpayers in North Dakota than it does taxpayers in New York. We drive twice as much per person.

The same is true with gas prices generally, not just the tax. When the price goes up 20 or 25 cents a gallon and someone says that is because of a 4.3-

cent charge put on 3 years ago, I say, "Wait a second. No, no, the price went up 20 or 25 cents a gallon because something has happened in recent weeks to do that. We ought to find out what has happened and find out whether it is justified."

But I guess, again, the bottom line here is if we are going to have people come to ratchet down the gas tax I am going to make certain the right people get the benefit of that. That is the American taxpayer, not the oil industry.

Mr. REID. Will my friend from North Dakota yield for another question?

Mr. DORGAN. I am happy to yield.

Mr. REID. In the State of Nevada we have, of course, the seventh-largest State in the Union areawise, but the State of Nevada has changed in recent years. We have had a huge population explosion. Mr. President, 90 percent of the people, approximately, live in the metropolitan areas of Reno and Las Vegas. But those two cities, those two metropolitan areas, are separated by 450 miles. So the people of the State of Nevada, to get to the metropolitan areas and to get to the many rural communities that we have throughout the State of Nevada, have to drive very long distances. The loneliest road in America has been designated, a road in Nevada.

The point I am making to my friend, and I want to see if he agrees with this, is the Democrats in the U.S. Senate are not trying to block a repeal of the 4.3-cent gas tax. The Senator from North Dakota and the Senator from Nevada, we would like to get rid of all the gas taxes because people in our States, our rural States, depend on automobiles to get around. There are no subways in Nevada. There is no mass transit, basically, other than a bus, anyplace in Nevada.

So, I say to my friend, does he agree that the Democrats are not trying to stand in the way of repealing the gas tax, what we are trying to do is to make sure, if it is repealed, the consumer benefits and not Chevron, not Shell, not Exxon, and all these massive multinational multilevel companies? Would the Senator agree with the Senator from Nevada?

Mr. DORGAN. I think Senator REID states the case. I do not want to increase the Federal deficit. We have it coming down. I want to keep it coming down. And I am not afraid of making hard choices—we have done that before—in order to get it down, including taxes I do not like. I would much prefer a lower gas tax. I would much prefer lower gas prices, period.

My intention is to say only this. If people come here to try to reduce the gas tax, which will increase the deficit, I am going to say to them: That is OK, but I want to make sure the benefits of that gas tax reduction go to the drivers, who are the taxpayers out there, not the oil industry, No. 1; and, No. 2, you need to find a way to make sure

what you are doing does not further increase the Federal deficit, because that is not moving in the right direction.

Mr. President, I believe we had 30 minutes reserved. I ask, because we did not start until 9:40, unanimous consent the Senator from Massachusetts be given 5 minutes, and the Senator from Montana, Senator BAUCUS, be given 5 minutes following the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized for 5 minutes.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, in just a few moments we will return to the unfinished business on the illegal immigration legislation. There is every prospect that that legislation will be concluded sometime in the afternoon. As Members of this body know, we are operating under the procedures of cloture, which has foreclosed the opportunity for me and for our minority leader, Senator DASCHLE, or others, to raise the issue of the minimum wage, to offer that as an amendment to the underlying legislation. I have indicated that I would offer it at the earliest moment on any other legislation that comes before the Senate, including the possibility we would offer it this afternoon.

But now we are, under the procedures, foreclosed. During the course of the morning, and with the consent agreement and the cloture on the underlying bill, we have been effectively foreclosed from any opportunity to address that issue. I am hopeful still, sometime during the day, we will have the opportunity to begin the debate. I think it is an issue that is well understood in the Senate. But we might be able to establish a short time period where we would have that debate and have a vote by the Members on that issue, which is of central importance to working families, families who are working 40 hours a week, 52 weeks of the year, trying to make ends meet and are still faced with the hard realities that the minimum wage is at the lowest purchasing power it has been in 40 years. All Americans basically understand we should reward work with sufficient compensation so families can provide for themselves, can provide for their children, put food on the table, pay the rent and the mortgage.

This issue is an old issue. It has been debated and discussed each time Congress has acted to increase the minimum wage. It is quite ironic that this issue was before the U.S. Congress 35 years ago tomorrow, that would be in 1961. The issue of the increase in the minimum wage in the 1960 campaign was debated extensively during the course of that campaign. President Kennedy, in the course of that campaign, spoke about the importance of

raising the minimum wage. It was considerably lower at that period of time. But in the course of the campaign then Senator Kennedy sat in front of a camera and said:

Mr. Nixon has said that a \$1.25 minimum wage is extreme. That's \$50 a week. What's extreme about that? I believe the next Congress and the President should pass a minimum wage for a \$1.25 an hour. Americans must be paid enough to live.

Really, the rest is history. Senator Kennedy was elected in the fall of 1960. One of the earliest messages that he sent to the Congress in February the next year was urging Congress to take action. The Congress addressed this issue 35 years ago tomorrow.

On Friday, May 3, which is tomorrow, that will be the 35th anniversary of BOB DOLE's vote against President Kennedy's legislation raising the minimum wage from \$1 to \$1.25. BOB DOLE and Richard Nixon were wrong to oppose President Kennedy's minimum wage hike 35 years ago—and BOB DOLE and RICHARD ARMEY are wrong to oppose President Clinton's minimum wage hike today.

This issue is before us. We will have an opportunity to address it. Just as the Republican leadership was opposed to moving from \$1.25 35 years ago, we find opposition now to increase the minimum wage to make it a livable wage to honor work in our society.

The overwhelming majority of the people in our society are for it. Americans should not be denied it. The illegal immigration bill is important, but we have a responsibility to meet the needs of those Americans who are out there working on the bottom and next to bottom rung of the economic ladder trying to provide for themselves and working hard at it.

Mr. President, we will continue the battle to increase the minimum wage, and I do not believe for a moment that we will be defeated. This is an issue whose time has come again and again and again. It came in early 1961. I believe it will come again in 1996.

We have to ask why it has taken us so long, but we will continue to persevere today and every opportunity to have the Senate address and vote in favor of the minimum wage. The American people need it; they are entitled to it. And we will continue that struggle.

Mr. President, I yield the floor.

Mr. DOLE. Was leaders' time reserved, I ask the Chair?

The PRESIDING OFFICER. Yes, it was. Leaders' time was reserved. The Chair recognizes the majority leader.

PRODUCT LIABILITY REFORM VETO

Mr. DOLE. Later this afternoon, President Clinton is expected to veto the product liability reform bill—a bipartisan measure to curb abusive, predatory lawsuits.

This bill passed the Congress overwhelmingly, with the support of Democrats and Republicans alike. And for

good reason: In 1994, lawsuits cost the American consumer a staggering \$152 billion—a price tag that exceeds the entire Federal budget deficit.

Lawsuit abuse hurts consumers by raising the costs of goods and services. It limits employment opportunities for those seeking jobs. It hurts the competitiveness of U.S. businesses overseas. And, perhaps worst of all, it can prevent new, lifesaving drugs and medical devices from ever reaching the market.

As Linda Ransom of Phoenix, AZ explained to us earlier this week, abusive lawsuits have forced manufacturers to stop selling the materials that are needed to make the medical device that is keeping her 9-year-old daughter, Tara, alive. This is truly a life-and-death issue.

It is time to stop lawsuit abuse before lawsuit abuse stops America.

So, why will President Clinton veto this important legislation? The answer can be summed up in three words: The trial lawyers. President Clinton vetoed the securities litigation reform bill because of the strong-arm tactics of the trial lawyers. And he will veto the product liability bill because he believes what is good for the trial lawyers is also good for America.

America's legal system is broken and fundamental reforms are needed—and need now. Our legal system must be reformed to encourage people to be responsible for their own actions. And it should quickly and efficiently compensate victims—not lawyers. Quite simply, legal reform is a key ingredient of any serious plan to promote job creation and economic growth.

Unfortunately, with today's veto, the President will be confirming what we already suspected: It is the trial lawyers who are calling the shots at the White House.

NOTICE

Financial disclosure reports required by the Ethics in Government Act of 1978, as amended and Senate Rule 34 must be filed no later than close of business on Wednesday, May 15, 1996. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 14. Any questions regarding the availability of reports should be directed to the Public Records Office (224-0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224-2981).